

EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4
5 CLRB HANSON INDUSTRIES,) C-05-3649-JW
6 ET AL.,)
7 PLAINTIFFS,) JUNE 21, 2007
8 V.)
9 GOOGLE, INC.,) PAGES 1-53
10 DEFENDANT.)
11 _____)

COPY

12 THE PROCEEDINGS WERE HELD BEFORE
13 THE HONORABLE UNITED STATES DISTRICT
14 JUDGE JAMES WARE

15 A P P E A R A N C E S:

16 FOR THE PLAINTIFFS: WOLF POPPER
17 BY: LESTER L. LEVY
18 MICHELE FRIED RAPHAEL
19 845 THIRD AVENUE
20 NEW YORK, NEW YORK 10022
21 AUDET & PARTNERS, LLP
22 BY: MICHAEL MCSHANE
23 221 MAIN STREET
24 SUITE 1450
25 SAN FRANCISCO, CALIFORNIA 94105

23 (APPEARANCES CONTINUED ON THE NEXT PAGE.)

24 OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
25 CERTIFICATE NUMBER 8074

1 A P P E A R A N C E S: (CONT'D)

2

3 FOR THE DEFENDANT: PERKINS COIE
4 BY: DAVID T. BIDERMAN
5 M. CHRISTOPHER JHANG
6 FOUR EMBARCADERO CENTER
7 SUITE 2400
8 SAN FRANCISCO, CALIFORNIA 94111

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

19:53:40 1 MR. LEVY: WELL, AS YOU SAID, IT'S A
19:53:42 2 WHOLE SIGN-UP PROCESS. YOU SIGN UP FOR A CAMPAIGN.
19:53:45 3 YOU GIVE THE KEY WORDS AND THE NUMBER OF CLICKS AND
19:53:47 4 HOW MUCH YOU WANT TO CHARGE. BY PAUSING YOU MEAN
19:53:49 5 YOU STOP. LIKE YOU PAUSE YOUR T.V., YOU PUT IT ON
19:53:52 6 PAUSE.

19:53:53 7 TERMINATED MEANS YOUR CAMPAIGN IS OVER.
19:53:55 8 YOU HAVE TO RE-SIGN UP AND, AND IF YOU WANT TO HAVE
19:53:59 9 NEW WORDS OR NEW CLICK THROUGH OR YOU WANT TO HAVE
19:54:01 10 A NEW BUDGET, YOU HAVE TO GO THROUGH THE WHOLE
19:54:04 11 PROCESS OF SIGNING UP. IT'S NOT A PAUSE.

19:54:06 12 THE COURT: LET'S SEE HOW PAUSING WORKS
19:54:08 13 IN YOUR ALLEGATION. SO PAUSING WORKS SO THAT ON
19:54:11 14 THE FIRST AND SECOND WEEKS OF THE MONTH, YOU WOULD
19:54:18 15 HAVE IT AT THE CAMPAIGN THE BILLING PROCESS WOULD
19:54:20 16 ALLOW YOU TO START IT FOR THE FIRST WEEK AND STOP
19:54:22 17 IT FOR THE SECOND, START IT FOR THE THIRD AND STOP
19:54:25 18 IT FOR THE FOURTH AND YOU WOULD ONLY EXPECT THAT
19:54:27 19 THE BILL WOULD BE FOR, FOR THE ACTUAL DAYS USED
19:54:31 20 TIMES YOUR DAILY BUDGET.

19:54:33 21 MR. LEVY: CORRECT.

19:54:41 22 THE COURT: WHAT DO YOU MAKE OF THE
19:54:43 23 20 PERCENT OVERAGE AT ALL? WHAT, WHAT ACCOUNTING
19:54:45 24 DO YOU THINK THAT, THAT SHOULD HAVE IN, IN THE, IN
19:54:48 25 THE BILLING?

09:54:49 1 MR. LEVY: IT WORKS IF YOU DON'T PAUSE
09:54:51 2 YOUR AD. IF YOU RUN YOUR AD FOR THE 30 DAYS. AND,
09:54:54 3 AND THEY CHARGE YOU, CHARGE YOU 20 PERCENT MORE IN
09:54:59 4 ANY GIVEN DAY.

09:55:00 5 AT THE END OF THAT MONTH YOU'RE NOT HURT
09:55:02 6 BECAUSE THE MOST THEY'LL CHARGE YOU IS THE 30 DAYS
09:55:04 7 TIMES YOUR DAILY BUDGET. SO YOU HAVEN'T BEEN
09:55:08 8 CHARGED FOR THAT EXTRA 20 PERCENT. THE WAY PEOPLE
09:55:11 9 GET HURT IS THEY PAUSE THEIR ADS, THEN THAT AVERAGE
09:55:15 10 IS USED ON THE PAUSED DAYS AND INSTEAD OF THEM
09:55:18 11 BEING TOLD THAT YOU WON'T ACCRUE CHARGES IN THE
09:55:21 12 PAUSE DAYS, AND, IN FACT, THEY ARE ACCRUING CHARGES
09:55:24 13 BECAUSE THE OVERAGE IT WENT INTO EFFECT IF THEY DID
09:55:28 14 NOT HAVE A PAUSE DATE, HIT THEM ON THE DAY THEY
09:55:31 15 PURPOSEFULLY PAUSE THEIR DAY AND THEY DON'T WANT
09:55:34 16 THEIR ADS TO BE ACTIVE THAT DAY.

09:55:37 17 THE COURT: YOUR OPPONENT SAYS SHOW ME IN
09:55:39 18 THE DOCUMENT WHERE IT SAYS YOU CAN USE PAUSING TO
09:55:41 19 CONTROL YOUR, CONTROL YOUR DAILY BUDGET AND I, I
09:55:44 20 QUOTED THE LANGUAGE THAT I THOUGHT, I THOUGHT WAS
09:55:47 21 AS CLOSE AS I COULD GET TO IT.

09:55:49 22 DO YOU HAVE ANY BETTER LANGUAGE THAN YOU
09:55:51 23 WON'T ACCRUE CHARGES WHILE YOUR ADS ARE PAUSED?

09:55:58 24 MS. RAPHAEL: THE POINT I WANT TO POINT
09:55:59 25 OUT IS THE FAQ'S WHEN HANSON SIGNS UP ONE OF THE

1
2
3
4 CERTIFICATE OF REPORTER
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE, INCLUSIVE, CONSTITUTED A TRUE, FULL
AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN
AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.


IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER CSR 8074